

## FIFTY-SIXTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, April 6, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Neal in the chair.

Roll called, quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hanger.	Stafford.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

## Absent.

Beaty.	Smith.
Decker.	Stokes.
Hale.	

Prayer by Rev. Dr. Story of Houston.

Pending the reading of the Journal of Friday, on motion of Senator Faust the same was dispensed with.

Se Appendix for standing committee reports.

Morning call concluded.

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Twenty-ninth Legislature.

Austin, Texas, April 6, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 565, a bill to be entitled "An Act to incorporate the city of Beaumont, to grant it a special charter, and to repeal an act of the Legislature of the State of Texas, approved May 12, 1899, and entitled 'An Act to incorporate the city of Beaumont, to grant it a special charter and to fix its boundaries,' and to repeal all acts amendatory of said act, and all special charters and amendments thereto heretofore granted to the city of Beaumont, and declaring an emergency."

House bill No. 619, a bill to be en-

titled "An Act to create a more efficient road system for Robertson county, Texas, and providing for the levy of a special tax for road and bridge purposes, and for the proration and distribution of the money collected by virtue of said tax, and for the bonding of the valid outstanding registered indebtedness against the road and bridge fund of said county, and for the levy of a tax to pay said bond or bonds issued in accordance with this act."

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

## PERSONAL PRIVILEGE—SENATOR FAULK.

Senator Faulk here rose to a question of personal privilege, and said:

"Mr. President:

"I rise to a question of personal privilege. The Austin Statesman of this date reports my action of yesterday in reference to the House amendments to Senate bill fixing the ex officio pay of sheriffs. Said amendment permits the commissioners court to increase said ex officio pay from \$300 to \$500 per annum.

"My action is reported as follows: 'Senator Faulk opposed the amendment and wanted a conference committee, stating that the sheriffs now receive too much money, but Senator Holland's motion to concur was adopted.'

"I did say in part that the sheriffs in my district received enough pay for their services, that I had never received any word or statement from them to the contrary, and that if they wanted their pay increased I had never heard of it, and that the people who paid the taxes had never asked or demanded of me to raise the pay of sheriffs. I deny in the most emphatic way that I can of ever saying that the sheriffs are receiving 'too much' pay. My contention was that in my district they were receiving enough pay, and I objected to raising it. The sheriffs individually and collectively are my friends so far as I know, and I know that I am theirs, and I would not want to be put in the attitude of wrongfully and willfully opposing any just measure advocated by them. In my official acts I shall undertake to treat any proposed measure of legislation looking to their benefit fairly and impartially, just as I would any other measure affecting any class of men or the whole body of our citizenship.

"I am sure The Statesman or its representative would not desire to intentionally misquote or misrepresent me, and in justice to myself I ask that it publish this, my explanation, in its columns. I further ask that this statement be spread on the Journal of the Senate."

FREE CONFERENCE COMMITTEE  
REPORT ON COMMITTEE SUB-  
STITUTE SENATE BILL NOS. 5  
AND 79—ADOPTION OF.

Senator Skinner here called up Free Conference Committee report on committee substitute Senate bill Nos. 5 and 79, which was on the President's table subject to call, and moved the adoption of same.

Austin, Texas, April 3, 1905.

Hon. Geo. D. Neal, President of the Senate, and Hon. F. W. Seabury, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee heretofore appointed to reconcile and adjust the differences between the Senate and House on committee substitute Senate bill Nos. 5 and 79, a bill entitled "An Act to amend Title XL, Chapter 2, Revised Civil Statutes of the State of Texas, by adding thereto Article 2274a, and amending Articles 2282 and 2284 of said title and chapter, relating to notice for and the manner of taking depositions in civil cases," recommend that the following bill be substituted for the said original bill and all amendments thereto by the House, viz.:

(Free Conference Bill for Substitute Senate Bill Numbers 5 and 79).

A Bill to be entitled "An Act to amend Title XL, Chapter 2, Revised Civil Statutes of the State of Texas, of 1895, by adding Article 2274a and amending Articles 2282 and 2284 of said title and chapter, relating to notice for and the manner of taking depositions in civil cases.

Be it enacted by the Legislature of the State of Texas:

That Title XL, Chapter 2, of the Revised Civil Statutes of the State of Texas of 1895, be amended by adding thereto Article 2274 a; and that Articles 2282 and 2284, Title XL, Chapter 2, of the Revised Civil Statutes of the State of Texas of 1895 relating to notice for and the manner of taking depositions be amended so that the same shall hereafter read as follows:

Article 2274a. The parties to any

civil suit cause in this state desiring to take the deposition of any witness in said cause in answer to oral questions to be propounded to such witness, may file with the clerk of the court or justice of the peace where the cause is pending their agreement and application in writing to that effect, stating the name of the officer agreed upon to take such depositions and asking for a commission, directed to said officer or any other officer authorized to take depositions, that may be substituted by written agreement of said parties, filed with the papers in said cause, to take the deposition in answer to oral questions to be propounded to the witness, giving the name of the witness and his residence, or where he may be found. When such agreement and application shall be filed in any civil cause pending in any trial court of this state, it shall be the duty of the clerk of such court, or justice of the peace, as the case may be, to issue a commission directed to the judge or clerk of any court of record, notary public or justice of the peace, commanding him to subpoena such witness to appear before such officer at the time and place to be named therein, which process shall be directed to any sheriff or constable of the county and State where said witness resides, and shall be executed and returned like subpoenas in civil cases in the State. At least five days' written notice of the time and place when and where the depositions of the witness are to be taken shall be given by the officer taking the same to both parties to such suit, or their attorney of record; and the parties to such suit and their agents and attorneys may be present when the witness is examined.

When the witness appears before the officer to whom the commission is directed, and the parties to the suit, or their agents or attorneys, or either of them being present, the party desiring the testimony of the witness shall proceed to examine such witness by propounding oral questions to him in respect to the issues of said cause, after which such witness may be cross-examined by the adverse party orally, and then re-examined and re-cross-examined, and as far as practicable in the same manner and subject to the same rules of practice and evidence as if said evidence would be adduced in open court on the trial of said cause. Questions propounded to and the answers of such witnesses shall be reduced to writing and read over to him as the same are severally taken, and objections to either the questions or answers shall be made and entered at the time the deposition is entered at the time the deposition is

taken, and when said examination is completed the witness shall sign the same;

Provided, that by agreement of the parties to such suit the answers of the witness may be taken in narrative form, omitting the questions propounded. In taking such depositions the officer before whom the same is taken may employ a skillful stenographer or typewriter who shall be agreed upon by all the parties to take down and reduce to type or writing the answers of the witness.

When the answers of the witness have been reduced to writing, the officer executing the commission shall certify over his signature and seal of office that the same were made and reduced to writing and sworn to and subscribed before him by said witness after due examination by the parties to said suit or their attorneys; and such officer shall then seal them up in an envelope together with the commission and questions asked (unless by agreement such answers are in narrative form) and shall write his name across the seal and endorse on the envelope the names of the parties to the suit and of the witness, and shall direct the package to the clerk of the court or justice of the peace from which or by whom the commission was issued, and return the same as provided in Article 2286.

Article 2282. Upon receipt of such commission by any officer to whom it is directed, whether such is to be taken orally or on written questions and answers, as provided in Article 2274, Title XL, Chapter 2, he shall give at least five days' notice, in writing, to the party at whose instance said deposition is taken, or his attorney of record, and also the adverse party or his attorney of record, of the time and place, giving the particular address when and where said deposition will be taken and stating the day and hour of the day the taking of such testimony will begin; and if the witness and officer executing the commission reside in this State and such witness does not voluntarily appear before the officer at the time and place fixed by him, he shall issue a subpoena, directed to the sheriff or any constable of his county, requiring him to summon the witness to appear and answer the interrogatories and cross interrogatories, if any, at a subsequent time and place to be named in such subpoena.

Article 2284. Upon the appearance of the witness, the officer to whom the commission is directed, where such deposition is to be taken on written questions and answers, shall execute such commission by propounding to

the witness the interrogatories accompanying the commission in their numerical order, beginning with the first direct interrogatory and continuing until all the direct and cross-interrogatories have been propounded and answered; and the answers of the witness to each interrogatory and cross-interrogatory shall be reduced to writing and then read over to the witness at the time it is made and before the next succeeding interrogatory, or cross-interrogatory shall be propounded to him; and the witness shall not be advised of the contents of said interrogatories or cross-interrogatories until the same are severally propounded to him by the officer executing the commission. When the answers of the witness have been so made and reduced to writing in this due order, they shall be signed and sworn to by the witness; and the officer before whom they are taken shall certify over his signature and seal of his office that such answers were made, reduced to writing and read over to the witness in the due order of such interrogatories and cross-interrogatories, and were then signed and sworn to by the witness before him; and such officer shall then seal them up in an envelope, together with the commission and interrogatories and the cross-interrogatories, if any, and shall write his name across the seal and endorse on the envelope the names of the parties to the suit and of the witness, and shall direct the package to the clerk of the court or justice of the peace from which or by whom the commission was issued.

Provided, that when notice of the taking of said depositions shall have been given as herein required, it shall be lawful for either party, his agents or attorneys, to be present and make such notes of the proceedings as he or they may desire; but it shall be unlawful for either party, his agent or attorney to make any suggestion to the witness or officer taking the depositions in regard thereto while said depositions are being taken, and

Provided further, that it shall not be lawful for the witness, while answering such interrogatories and cross-interrogatories to use or refer to any memoranda or writing, except such as under the rules of evidence he would be permitted to use and refer to if testifying as witness in open court; and any memoranda or writing so used or referred to by such witness, or a certified copy thereof properly marked for identification by the officer taking such deposition, shall be attached to and returned with said answers; and

Provided further, that if at any time after said deposition has been filed it shall be made to appear that any of

the provisions of this article have been violated, such deposition shall be suppressed at the cost of the party guilty of such violation; and

Provided further, that when a deposition is taken, it shall be forwarded forthwith in one of the ways named in Article 2286; and if such deposition is delivered to a person interested in taking the same, or any other person authorized by law to receive the same for transmission, he shall forthwith deliver the same to the clerk or officer of court to whom such deposition is addressed, and for failure so to do, such deposition shall not be used either as evidence or for any other purpose whatsoever.

Respectfully submitted,

COBBS.  
HARRIS.  
HOLMES.  
BROWN of Karnes.  
MAYS.

On the part of the House:

SKINNER.  
WANGER.  
STAFFORD.

On the part of the Senate:

The motion to concur prevailed by the following vote:

Yeas—25.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stafford.
Grinnan.	Stone.
Hanger.	Terrell.
Harper.	Willacy.
Hicks.	

Nays—1.

Hawkins.

Present—Not Voting.

Harbison.

Absent.

Decker.	Smith.
Hale.	Stokes.

Senator Skinner moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

# SENATE BILL NO. 13—HOUSE AMENDMENTS CON- CURRED IN.

Senator Stone called up

Senate bill No. 13, a bill to be entitled "An Act to amend Article 361 of the Revised Statutes of Texas, as adopted in 1895, relating to condemnation of lands by the federal government."

And moved that the Senate concur in the following House amendments:

Amend by striking out all after the enacting clause and insert in lieu thereof the following (which is House bill No. 218, already printed):

Section 1. That the United States government may purchase, acquire, hold, own, occupy and possess such lands within the limits of the State of Texas as they shall deem expedient and may seek to occupy and hold as sites on which to erect and maintain lighthouses, forts, military stations, magazines, arsenals, dock yards, custom houses, postoffices, and all other needful public buildings, and for the purpose of erecting and constructing dams, locks and dams for the straightening of streams by making cutoffs, building levies, or for the erection of any other structures or improvements that may become necessary in developing or improving the waterways, rivers and harbors of Texas, and the consent of the Legislature of the State of Texas is hereby expressly given to any such purchase or acquisition made in accordance with the provisions of this bill.

Sec. 2. All purchases or acquisitions of land by the United States government for any of the purposes mentioned in the preceding section shall be effected by the proper agent of the United States government with the owners thereof or by any judicial proceedings as hereinafter prescribed; that is to say, whenever the owner of the land desired by the United States government can not agree with the United States authorities thereto authorized upon the price thereof, then the said United States government is authorized under the direction of the proper law officer to institute proceedings against the owner of said land, or the owners of any interest therein in the county court of the county in which the land may be situated and in the same manner as is provided for the condemnation for right of way for railroads, except as hereinafter indicated.

Sec. 3. If the said government of the United States and said owner can not agree upon the value of said land or the damages thereto, caused by the erection or construction of the improvement required, it shall be the



duty of the United States officer having the matter in hand and authorized thereto by the United States government to state in writing the real estate and property condemned, the object for which it is to be condemned, the name of the owner thereof and his residence, if known, and file same with the county judge of the county in which said property or a part thereof is situated; providing, the owner resides in either county in which the land is situated, the same shall be filed in the county of his residence.

Sec. 4. Upon the filing of said statement, the county judge shall, either in term time or in vacation, appoint three disinterested freeholders of said county as commissioners to assess said damages, giving preference to those that may be agreed upon between the United States government and the owner of said property.

Sec. 5. The said commissioners shall be sworn by the county judge, or by any officer qualified to administer oaths, to assess said damages impartially and according to law.

Sec. 6. Said commissioner shall, without delay, appoint a time and place for the hearing of said parties, and the day appointed shall be the earliest day practicable and the place the nearest practicable place to the said property, or at the said county seat of the county in which the property is situated or a part thereof.

Sec. 7. The commissioner shall issue a notice in writing to each of the parties, notifying them of the time and place selected for the hearing.

Sec. 8. Said notice shall be served upon said parties at least five days before the date of the hearing, exclusive of the day of service, and shall be served by the delivery of the copy of same to the party, his agent or attorney, and may be served by any person competent to testify.

Sec. 9. The party making such service shall return the original notice to said commissioners, or any one of them, on or before the day set for said hearing, with his statement thereon, showing how and when same was served.

Sec. 10. When the property in controversy is the property of a deceased person or minor, or of a person of unsound mind and such estate has a legal representative or such minor, or person of unsound mind has a guardian the notice shall be served upon such a legal representative or guardian. But if said minor or person of unsound mind have no legal representative then said commissioner shall appoint a guardian ad litem as courts of record are authorized to do, to protect the interest of said minor or persons of unsound mind and shall allow reason-

able compensation therefor which shall be allowed and taxed as part of the costs of the proceedings.

Sec. 11. When the property in controversy belongs to a non-resident of this State, or to an unknown person, or to persons whose residence is unknown or who secrete themselves so that service can not be had on them, then such notice may be served upon said owner by publication in the same manner as provided in Article 1235 of the Revised Statutes of the State of Texas, provided that said cause may be tried by said commission on any day not less than four weeks after the publication of said notice.

Sec. 12. When the service of notice has been perfected, the commissioners shall at the time and place appointed, or at any other time or place to which said hearing has been adjourned, proceed to hear said parties, but if upon the day set for the hearing the serving of notice has not been perfected, the hearing shall be postponed from time to time until the service has been perfected.

Sec. 13. Said commissioners for the purpose mentioned in this bill shall have the power to compel the attendance of witnesses and the giving of testimony and to administer oath and punish for contempt as fully as is provided by law for the district or county court. The rules for damages to be applied in these cases shall be the same as those prescribed for ascertaining the amount of damages in condemnation for right of way proceedings for railroads.

Sec. 14. The compensation for the commissioners shall be the same as is prescribed by law for commissioners in performing similar services in condemnations of right of way for railroads.

Sec. 15. When the said commissioners shall have assessed the damages they shall reduce their decision to writing, stating therein the amount of damages due to the owner of such real estate, if any be found to be due, and shall date same, sign it, and file it with the county judge without delay.

Sec. 16. If said commissioners, or either of them, from any cause be unable or fail to act as such, the county judge shall appoint another commissioner or commissioners to fill the place or places left vacant by those who are unable, or fail, to act.

Sec. 17. The commissioners may adjudge the cost against either party and shall in their finding state against who it is adjudged and the amount thereof, and file same, with their award, with the county judge.

Sec. 18. If either party be dissatisfied with the decision of such com-

missioners, he may, within ten days after the same has been filed with the county judge, file his opposition thereto in writing, setting forth the particular cause or causes of his opposition, and thereupon the case shall be set down on the county court docket for trial as other civil cases.

Sec. 19. If no objections are filed to such decision within the time prescribed in preceding section, the said judge shall have same entered on the record, and shall make necessary provision to enforce the same.

Sec. 20. Upon the filing of the award of the commissioners with the county judge, stating the amount of damages and costs which the United States government shall pay before taking possession of the property, if the United States government shall deposit the amount of the award of the commissioners, together with all cost adjudged against the said United States, they may proceed immediately to the occupancy of the said land and to the construction of their said improvements without awaiting the decision of the county court.

Sec. 21. If, after the filing of the objections to the award, the case shall be retired in the county court and a judgment rendered against the United States for a larger sum than that found in the award of the commissioners, then the said United States government shall be responsible for the cost of said appeal, as well as for the amount adjudged against it in said county court.

Sec. 22. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 23. The fact that the United States government is now engaged in making many needed improvements of the rivers and harbors of Texas, and that the present provisions of the law are wholly inadequate to permit the said improvements to be made with reasonable expedition, creates an imperative and public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this bill take effect from and after its passage, and it is so enacted.

(2)

Amend caption so as to hereafter read as follows:

"An Act to authorize the government of the United States to obtain title to land for all public improvements herein named, and to condemn same, and to define the procedure for such condemnation."

The motion to concur was adopted by the following vote:

Yeas—27.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Stafford.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Decker.	Smith.
Hale.	Stokes.

Senator Stone moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 361—PENDING BUSINESS.

The Chair laid before the Senate, on second reading,

House bill No. 361, a bill to be entitled "An Act to provide for the levy and collection of taxes upon the gross receipts of certain corporations."

Action being on Section 4 of the bill.

Senator Looney offered the following amendment, which was adopted:

Amend the bill by adding to Section 4b, as follows: "Provided, that this and the above article shall not apply to any such notes, bonds, mortgages and securities which are rendered or listed for taxes and upon which all ad valorem taxes imposed by the laws of this State are paid; and provided further, that no such person, association or corporation can maintain any suit or action, either legal or equitable, in any of the courts of this State upon any such note, bond, mortgage or other demand, unless at the time such suit or action is brought it is made to appear that such person, association or corporation has prior thereto made a report to the Comptroller of the facts required above and paid the tax to the Treasurer, as is also provided in the preceding article."

Senator Looney offered the following amendment, which was adopted:

Amend the caption by adding after the words "waterworks companies" as follows: "Non-resident persons, associations and companies engaged in lending money or in purchasing or extending vendor's lien notes secured by liens on lands or properties in this State, or dealing in or purchasing bonds issued in or secured by liens on properties in this State."

## (Amendments to Section 5.)

Section 5 of the bill was read and amended, as follows:

Senator Glasscock offered the following amendment:

Amend Section 5, page 6, line 30, by adding after the word "collected" the following words: "And from all other sources whatever."

The amendment was adopted by the following vote:

Yeas—26.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Skinner.
Grinnan.	Smith.
Hanger.	Stafford.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Nays—1.

Griggs.

Absent.

Decker.	Paulus.
Hale.	Stokes.

Senator Meachum offered the following amendment, which was adopted:

Amend the bill as amended by adding after the word "whatever," in line 30, Section 5, page 6, the words "in this State."

Senator Hawkins offered the following amendment, which was adopted:

Amend by adding to Section 5a as follows:

Sec. 5a. Each and every person, firm, corporation or association of persons owning, operating or controlling any collecting agency or commercial agency in this state, and charging for collections made or business done, shall pay to the State Treasurer an annual tax of one-half of one per cent upon their gross receipts for the use and benefit of the State. This tax shall be in addition to all other taxes levied and said taxes shall be paid to the State Treasurer quarterly. Every such person, firm, corporation or association of persons so owning, controlling or managing any commercial agency or collecting agency shall, on or before the 1st day of April, and quarterly thereafter, report to the Comptroller of Public Accounts under oath of the president, treasurer or superintendent of said company, association of persons, person or corporation, or some other officer or agent thereof duly authorized,

the amount received by them or it in the payment of charges for collections made and business done for the quarter next preceding. Should any person, association of persons, firm company or corporation, or the officers or agents thereof, herein named, fail to make the report provided for in this article, for thirty days after the termination of any quarter of the year, then he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than one hundred dollars. Each day after the said thirty days have expired shall be deemed a separate offense. In addition thereto, in the event of the failure of the officer or agent of any such person, company or corporation to make the report herein required and pay said taxes for thirty days after the termination of any quarter of the year, each and every such person, company or corporation shall forfeit and pay to the State twenty-five dollars for each day said report and payment are delayed, which forfeiture and taxes shall be sued for by the Attorney General, in the name of the State. For the purpose of suits provided for in this article, venue and jurisdiction are hereby expressly conferred upon the courts of Travis county, and service may be had upon any officer or agent of any such person, company or corporation within this State, and such service shall in all respects be held legal and valid.

Senator Hawkins offered the following amendment, which was adopted:

Amend the caption by adding after the words "express companies," in line 20, the words "commercial agencies and collecting agencies."

## (Amendments to Section 6.)

Section 6 of the bill was read and amended as follows:

Senator Hicks offered the following amendment:

Amend by striking out Section 6 entire and renumbering the sections following to conform thereto.

Senator Smith moved to table the amendment, which motion was adopted by the following vote:

Yeas—16.

Barrett.	Harper.
Brachfield.	Hawkins.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	Meachum.
Glasscock.	Paulus.
Grinnan.	Smith.
Harbison.	Stokes.

Nays—11.

Beaty.	Faust.
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Griggs.  
Hanger.  
Hicks.  
Hill.  
McKamy.

Skinner.  
Stafford.  
Stone.  
Willacy.

Absent.

Decker.  
Hale.

Holland.  
Terrell.

Senator Davidson offered the following amendment, which was adopted:

Amend the bill by adding the following at the end of line 8 on page 7: "Or electric power."

Senator Chambers offered the following amendment:

Amend the bill by adding after word "any," on page 7, line 8, "brewery or distillery."

Senator Willacy moved to table the amendment, which motion was lost by the following vote:

Yeas—11.

Davidson.  
Faust.  
Griggs.  
Hanger.  
Hicks.  
McKamy.

Meachum.  
Paulus.  
Stafford.  
Stone.  
Willacy.

Nays—16.

Barrett.  
Beaty.  
Brachfield.  
Chambers.  
Faulk.  
Glasscock.  
Grinnan.  
Harbison.

Harper.  
Hawkins.  
Hill.  
Looney.  
Martin.  
Skinner.  
Smith.  
Stokes.

Absent.

Decker.  
Hale.

Holland.  
Terrell.

Question then being on the amendment, and Senator Chambers withdrew same.

Senator Davidson offered the following amendment, which was adopted:

Amend lines 15 and 16, page 7, after the word "light," in each line, by adding the following: "Or electric power."

Senator Looney offered the following amendment, which was adopted:

Amend Section 4 by adding thereto as follows: "Provided further, no contract or agreement on the part of the debtor or mortgager in any such note, bond or mortgage to pay the tax imposed by the above article shall be valid."

RECESS.

On motion of Senator Harper the Senate recessed till 1:30 o'clock p. m.

#### AFTER RECESS.

The Senate was called to order by Senator Stafford, and the Senate proceeded to the Hall of the House of Representatives to be present at the reception of President Roosevelt.

#### SENATE BILLS SIGNED BY CHAIR.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign in the presence of the Senate after their captions had been read.

Senate bill No. 252, a bill to be entitled "An Act to create a more efficient road system for Harris county, in the State of Texas, and authorizing the County Commissioners Court of Harris county to lay out, build and construct roads, bridges and approaches; the paving of streets and connecting roads with paved streets in the city of Houston, and authorizing the creation of road districts, and the issuance of bonds for the payment of such improvements, as authorized under the Constitution of the State of Texas, and the provisions of this act, and declaring an emergency."

#### BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Neal) had read and referred, after their captions had been read, the following House bills:

House bill No. 565, to City and Town Corporations.

House bill No. 619, to Roads, Bridges and Ferries.

#### IN THE SENATE.

The Senate returned to its chamber immediately after the reception services in the House, and

#### ADJOURNMENT.

On motion of Senator Davidson the Senate adjourned till tomorrow morning at 10 o'clock.

#### APPENDIX A.

(Committee Reports.)

#### FINANCE.

Committee Room,

Austin, Texas, April 4, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

Senate bill No. 312, a bill to be entitled "An Act making appropriations for deficiencies in the appropriations



heretofore made for the support of the State government for the fiscal years ending February 28, 1901, August 31, 1901, August 31, 1902, August 31, 1903, August 31, 1904, and August 31, 1905, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and to make additional appropriations for the support of the State government for the year ending August 31, 1905."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the accompanying committee substitute do pass in lieu thereof.

WILLACY, Chairman.

A bill to be entitled "An Act making appropriation for deficiencies in the appropriations heretofore made for the support of the State government for the fiscal years ending February 28, 1901, August 31, 1901, August 31, 1903, August 31, 1902, August 31, 1904, and August 31, 1905, being for claims registered in the Comptroller's office in accordance with the law and for outstanding claims not registered, and to make additional appropriations for the support of the State government for the year ending August 31, 1905."

Section 1. Be it enacted by the Legislature of the State of Texas: That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated out of any money in the State treasury not otherwise appropriated for deficiencies incurred in support of the State government for the period beginning March 1, 1901, and ending August 31, 1905, and contracted under the provisions of Chapter 36, Acts Twenty-fifth Legislature, and of Articles 1089 and 1093 of the Code of Criminal Procedure:

#### Public Buildings and Grounds.

Feed for teams year ending August 31, 1903.....	\$ 75 00
Water, light, fuel and contingencies for year ending August 31, 1904.....	9,000 00
Water, light, fuel and contingencies for year ending August 31, 1905.....	9,000 00

#### State Lunatic Asylum.

To cover damage to roof of kitchen building year ending August 31, 1904.....	\$ 529 00
Repairs to building caused by fire year ending August 31, 1904 .....	4,014 00
Expenses of architect supervising foregoing repairs year ending August 31, 1904 .....	201 65

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#### State Orphan Home.

General maintenance necessary to the support of the home, including the purchase of all bedding, clothing, furniture or other supplies necessary for the comfort of the inmates of the home, including pay for the board of trustees at \$60 per year and mileage, for the year ending August 31, 1903 .....	\$ 2,000 00
Fuel, year ending August 31, 1904 .....	800 00
General maintenance necessary to the support of the home, including the purchase of all clothing, bedding, furniture and all other supplies necessary to the comfort of the inmates of the home, including pay for the board of trustees at \$60 per year and mileage, year ending August 31, 1904 .....	2,500 00
Transportation for year ending August 31, 1904.....	100 00

#### Southwest Texas Normal School.

Maintenance year ending August 31, 1904.....	\$18,200 00
Maintenance year ending August 31, 1905.....	18,200 00

#### Blind Asylum.

Dry goods and clothing for indigent pupils for fiscal year ending August 31, 1905 .....	\$ 500 00
Fuel for fiscal year ending August 31, 1904.....	500 00
Fuel for fiscal year ending August 31, 1905.....	500 00

#### Deaf, Dumb and Blind Asylum (Colored).

Groceries and miscellaneous, year ending August 31, 1904 .....	\$ 700 00
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#### Confederate Home.

Groceries, fuel, light, water, feed, and to enlarge kitchen, including pay for monthly meetings and mileage of the board of managers, year ending August 31, 1904.....	\$ 5,637 24
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#### State Purchasing Agent.

For contingent expenses year ending August 31, 1904....	\$ 300 00
Department of Public Health and Vital Statistics.	
Miscellaneous expenses year ending August 31, 1904....	\$ 5,000 00

Comptroller's Office.  
Telegraphing, Postage, Ex-  
press and office furniture  
year ending August 31, 1904\$ 260 00

Adjutant General's Office.  
Handling and transportation  
of ordnance stores and  
quarter master's supplies,  
labor in arsenal and re-  
pairs to arms and inspec-  
tion of arms and troops,  
year ending August, 31,  
1904 .....\$ 500 00

Payment of, and transporta-  
tion and subsistence for  
the Texas Volunteer Guard,  
when called into active  
service under the law and  
for the transportation and  
maintenance of the Texas  
Volunteer Guard, for camps  
of instruction and for all  
other military expenses,  
year ending August 31,  
1904 ..... 1,000 00  
Stationery, postage and tel-  
egraphing, year ending Au-  
gust 31, 1904 ..... 200 00

Board of Public Printing.  
Advertising State business,  
year ending August 31, 1904 \$1,000 00

Judiciary Department.  
Fees of subpoenaed witness-  
es and attached witnesses  
for year ending Feb, 28,  
1901, registered .....\$ 358 34  
For salaries of district judg-  
es, year ending August 31,  
1903 ..... 601 60  
Fees for county judges, coun-  
ty attorneys, justices of the  
peace, sheriffs and constab-  
les in examining trials,  
for the year ending August  
31, 1903, registered ..... 69 70  
Estimated ..... 50 00  
Fees and costs of sheriffs,  
clerks and attorneys, felony  
cases, for the year ending  
August 31, 1904, registered 4,801 15  
Estimated ..... 1,500 00  
Fees and costs of sheriffs,  
clerks and attorneys, fel-  
ony cases for the year end-  
ing August 31, 1904, reg-  
istered ..... 59,634 95  
Estimate ..... 10,000 00  
Fees of subpoenaed and at-  
tached witnesses for the  
year ending August 31,  
1904, registered ..... 34,523 04  
Estimated ..... 5,000 00

Miscellaneous.  
To refund to liquor dealers  
the proportionate amount  
of taxes paid by them for

the unexpired terms of  
their licenses in local op-  
tion districts for the four  
years ending August 31,  
1905, registered and esti-  
mated ..... 25,800 00

Section II. That the following sums  
or so much thereof as may be neces-  
sary, be, and the same are hereby ap-  
propriated out of any money in the  
State treasury not otherwise appropri-  
ate, for the support of the State gov-  
ernment for the fiscal years ending  
August 31, 1905, the same being sup-  
plemental to appropriations heretofore  
made for the same purpose.

Judiciary Department.  
Fees of sheriffs, clerks and  
attorneys in felony cases..\$70,000 00  
Expenses of subpoenaed and  
attached witnesses .. \$40,000 00

State Orphan Home.  
Postage and Stationery ....\$ 50 00  
For electric lights ..... 600 00  
For lumber and repairs .... 200 00

Blind Asylum.  
For transportation of indi-  
gent pupils ....\$ 500 00  
For fuel ..... 1,000 00  
For water and lights ..... 300 00  
Groceries, provisions, sup-  
plies, printing, medicines,  
supplies for oculist ..... 2,000 00  
For dry goods and clothing  
for indigent pupils ..... 500 00

Deaf, Dumb and Blind Asylum (Col-  
ored.)  
Clothing for indigent pupils\$ 203 00  
Groceries and miscellaneous 200 00

Section III. That the following sums  
or so much thereof as may be neces-  
sary, be, and the same are hereby ap-  
propriated out of any money in the  
State treasury not otherwise appropri-  
ated for other deficiencies incurred in  
support of the State government, for  
the period beginning September 1, 1901,  
and ending August 31, 1905.

Comptroller's Office.  
For books and stationery for  
fiscal year ending August  
31, 1904 .....\$ 31 31

General Land Office.  
To pay Austin Book and Sta-  
tionery Co. for vellum, blue  
print and instruments for  
draftsman for fiscal year  
ending August 31, 1904....\$ 94 10

Adjutant General's Office.  
To pay L. P. Sieker, Quarter-  
master, for months of July  
and August, 1903 (salary) \$ 250 00

Department of State.	
To pay Southwestern Telephone and Telegraph Co., exchange service for the months of April, May, June, July and August, 1904 .....	\$ 15 00
Blind Asylum.	
To pay Houston Packing Co. for beef fiscal year ending August 31, 1903 .....	\$ 38 78
Deaf, Dumb and Blind Asylum (Colored).	
For maintenance for year ending August 31, 1903.....	\$ 89 50
For maintenance for year ending August 31, 1904.....	52 52
For medical service for year ending August 31, 1904.....	211 50
For medical services from October 1, 1904, to Feb. 1, 1905 .....	64 00
Southwestern Insane Asylum.	
To pay Armour Packing Co. for beef for fiscal year ending August 31, 1902.....	\$ 498 64
State Lunatic Asylum.	
For maintenance for year ending August 31, 1903.....	\$ 455 87
For dry goods and clothing for year ending August 31, 1904 .....	45 17
Miscellaneous.	
Salary of the judge of the Sixty-fourth Judicial District to August 31, 1905 .....	\$1,395 83
Salary of District Attorney Sixty-fourth Judicial District to August 31, 1905 .....	275 00
To pay for publication of proclamation of Governor regarding proposed amendments to the State Constitution relating to pensions for Confederate Soldiers .....	1,938 56
Recapitulation.	
Public Buildings and Grounds .....	\$ 18,075 00
State Lunatic Asylum.....	4,735 65
State Orphan Home .....	5,400 00
Southwest Texas Normal School .....	36,400 00
Blind Asylum .....	1,500 00
Deaf, Dumb and Blind Asylum (colored) .....	700 00
Confederate Home .....	5,637 24
State Purchasing Agent .....	300 00
Department of Public Health and Vital Statistics .....	5,000 00
Comptroller's office .....	260 00
Adjutant General's Office...	1,700 00
Board of Public Printing...	1,000 00
Judiciary Department .....	117,538 78
Miscellaneous .....	25,800 00

Recapitulation of deficiencies as supplemental to appropriations made for the support of the State Government for the fiscal year ending August 31, 1905:

Judiciary Department .....	\$110,000 00
State Orphan Home .....	850 00
Blind Asylum .....	4,300 00
Deaf, Dumb and Blind Asylum (colored) .....	403 00

Recapitulation of appropriations for deficiencies incurred in the support of the State Government for the period beginning September 1, 1901, and ending August 31, 1905:

General Land Office.....	\$ 94 10
Comptroller's Office .....	31 31
Adjutant General's Office...	250 00
Department of State .....	15 00
Blind Asylum .....	38 78
Deaf, Dumb and Blind Asylum (colored) .....	417 52
State Lunatic Asylum .....	501 04
Miscellaneous .....	3,609 39

Total .....\$345,055 45

Sec. 4. Whereas, there being no appropriation to pay claims against the state herein provided for, which are outstanding, and are legal claims against the State, creates an emergency and an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each house, and this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Tex., April 6, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Judicial Districts to whom was referred,

Senate bill No. 318, a bill to be entitled "An Act to reorganize the Fifth Judicial District and the Seventh Judicial District of Texas, and prescribing the time of holding court in the counties composing said districts, and validating process, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

TERRELL, Chairman.

FIFTY-SEVENTH DAY.

Senate Chamber,

Austin, Texas,

Friday, April 7, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Neal in the chair.

Roll call, quorum present, the fol-